

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

STEVEN BRUNER, individually and on behalf of)
all others similarly situated,)
Plaintiff,) Case No. 08 C 124
v.) Honorable Charles R. Norgle, Sr.
AMERICAUNITED BANK & TRUST)
COMPANY,)
Defendant.)

REPORT OF PARTIES' PLANNING MEETING

1. Meeting. Pursuant to Federal Rule Civil Procedure 26(f), a meeting was held on April 30, 2008 by telephone and was attended by:

Lance A. Raphael of The Consumer Advocacy Center, P.C. for the plaintiff.

John David Burke of Ice Miller LLP for the defendant.

2. Pre-trial Schedule. The parties jointly propose to the Court the following discovery plan:

- a. It is anticipated that discovery will be needed on the following subjects:
 - i. The class certification issues;
 - ii. Facts relating to whether or not Defendant violated the Electronic Funds Transfer Act;
 - iii. Facts relevant to the determining the amount of the award if liability were established;
 - iv. Facts relating to Defendant's affirmative defenses.
- b. Disclosures pursuant to Federal Rule of Civil Procedure 26(a)(1) will be made April 30, 2008.
- c. All fact discovery is to be completed by September 30, 2008.
- d. The parties expect they will need the depositions of Defendant's three currently disclosed witnesses as well as 2-3 other witnesses who may have used the machine at issue, a deposition of the Plaintiff and 1-2 depositions of the two identified 3rd parties of M. Lange, Inc. and Efmark, Inc.
- e. Expert discovery to be commenced in time to be completed by November 30, 2008. Reports from retained experts under Rule 26(a)(2) due:

Parties to disclose experts under Rule 26(a)(2) by October 30, 2008;

Disclosed experts to be deposed under Rule 26(a)(2) by November 28, 2008;

Parties to disclose rebuttal experts under Rule 26(a)(2) by December 29, 2008;

Disclosed rebuttal experts to be deposed under Rule 26(a)(2) by January 30, 2009;

- f. The parties should be allowed until October 15, 2008 to join additional parties and to amend pleadings.
- g. All potentially dispositive motions should be filed by February 28, 2009.
- h. Final pretrial order: Plaintiff to prepare proposed draft by March 28, 2009; parties to file joint final pretrial order by April 15, 2009.
- i. The case should be ready for trial by April 2009 [and at this time is expected to take approximately 4 days].

3. Settlement. No formal settlement demands have been exchanged.

4. Consent. Parties do not consent unanimously to proceed before a Magistrate Judge.

May 6, 2008

Date

/s/ Lance A. Raphael

Attorney for Plaintiff

/s/ John D. Burke

Attorney for Defendant

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